

AGENDA FOR REGULAR COUNCIL MEETING

**August 21, 2012
COUNCIL CHAMBERS, CITY HALL
8:30 a.m.**

AND

**LEGISLATIVE REVIEW MEETING OF THE WHOLE
10th FLOOR CONFERENCE ROOM
August 20, 2012
9:00 a.m.**

NOTICE: At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

PLEASE NOTE: If items are scheduled for the Executive Session, the Council will move to Executive Session at 12:00 p.m. (noon) for the consideration of those items, or will hear the items at the end of the agenda or as determined by the Presiding Officer, whichever occurs first.

ROLL CALL

INVOCATION by Police, Fire and CIMA Chaplain Sam Faraone

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATION

- 1. BORDER SERVANT CORPS: COMMEMORATING 15 YEARS OF SERVICE ON THE U.S.-MÉXICO BORDER**

RECOGNITIONS:

- 1. LAURA AND EDDIE CASTLE – STAR ON THE MOUNTAIN AWARD**
- 2. TANIA SCHWARTZ – GOLD STAR AWARD**
- 3. JUDY ROBISON – GOLD STAR AWARD**

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

NOTICE:

Requests to speak must be received by **8:30 a.m.** on the date of the meeting.

30 Minutes total is allotted for speakers.
Three to five minutes may be allowed for each speaker.

REGULAR AGENDA

1. Greetings from Javier Sicilia, Mexican poet, writer and peace activist, and the Caravan for Peace, Justice and Dignity for Mexico and discussion and action on Resolution presented by the group. **All Districts** [Representative Susie Byrd, (915) 541-4416]

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

2. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of August 14, 2012.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

3. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

4. RESOLUTIONS:

- 4A. A Resolution authorizing the City Manager to sign an Annexation Agreement between the City of El Paso and Genagra, L.P., for approximately 20.552 acres of real property located west of Zaragoza Road and south of Pebble Hills Blvd., which will specify the terms and conditions under which the property will be annexed, should the City annex the property. That the Deputy Director of Planning prepares an annexation service plan in accordance with Section 43.056 of the Local Government Code. AN08009 **(East ETJ) (District 5)**
[City Development, Kimberly Forsyth (915) 541-4668]
- 4B. That in accordance with Section 3.5 of the City Charter, as revised, the Regular City Council meetings for September 4, 2012, November 20, 2012, and December 25, 2012, are hereby cancelled and to authorize the rescheduling of the Regular City Council meeting from January 1, 2013 to January 2, 2013.
(All Districts) [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]
- 4C. That the City Manager be authorized to sign an Amendment of Restrictions, Conditions and Reservation from Exceptions to Conveyance and Warranty removing certain restrictions from the Deed, dated June 15, 1967, which conveyed approximately 2.035 acres out of a portion of Lot 4, Block 2, International Industrial Center, Unit I, El Paso, El Paso County Texas to Justina B. Woelfel, femme sole, and State National Bank of El Paso, Trustee pursuant to

a request from the current owner. The restriction affected requires all signs on the property to be affixed to the buildings.

(District 3) [City Development, Mathew McElroy, (915) 541-4897]
[City Development, Jane Tomchik, (915) 541-4897]

5. BOARD APPOINTMENTS:

- 5A.** Mica Short to the Greater El Paso Civic, Convention and Tourism Advisory Board, District 5. [Representative Michiel R. Noe, (915) 541-4701]
- 5B.** Lilia B. Limón to the Greater El Paso Civic, Convention and Tourism Advisory Board, District 7. [Representative Steve Ortega, (915) 541-4124]
- 5C.** David Thackston to the Ad Hoc Charter Advisory Committee, District 4. [Representative Carl L. Robinson, (915) 541-4400]

6. NOTICE OF CAMPAIGN CONTRIBUTIONS:

- 6A.** For notation only pursuant to Section 2.92.110 of the City Code: receipt of campaign contributions by Representative Ann Morgan Lilly from Eilen C. Shaeffer \$1000. [Representative Ann Morgan Lilly, (915) 541-4151]
- 6B.** For notation pursuant to Section 2.92.110 of the City Code: receipt of campaign contribution by Mayor John F. Cook in the amount of \$100 from Harl Dixon; \$19.98 from Craig Thompson; \$100 from David Grabarkewitz; \$1,000 from Roberta and Rosa Assael; \$100 from Mike Dipp; \$100 from Gordon Black; and \$100 from Myrna Deckert. [Mayor John F. Cook, (915) 541-4145]
- 6C.** For notation only pursuant to Section 2.92.110 of the City Code: receipt of campaign contributions by Representative Michiel R. Noe from Gary Porras \$500; Margaret Faulkenberry \$900; Melcan LTD \$1,800; Melcan LTD \$1,200; Stanley Jobe \$1,000; Douglas Schwartz \$1,000; Fred Loya \$500; EP Builders PAC \$500; El Paso Fire Fighters \$500; Raba-Kistner PAC \$500. [Representative Michiel R. Noe, (915) 541-4701]

7. FOR NOTATION:

Accept the donation of \$250 from El Paso Sandbox for Movies in the Park **(District 5)**
[Representative Michiel R. Noe, (915) 541-4701]

REGULAR AGENDA - INTRODUCTION

8. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

- 8A.** An Ordinance amending Ordinance Numbers 010873, 012221, 012476, 012636, 014826, 015415, 015961, 016456, 017125, and 17435 which established operating procedures and set fees for Foreign-Trade Zone No. 68 and to allow the revisions to Zone Schedule No. 1, Rates, Rules, Charges and Regulations applying at Foreign Trade Zone No. 68, El Paso, Texas to amend the subzone fees and to revise the definitions of identified terms. **(All Districts)**

[Airport, Monica Lombrana, (915) 780-4724]

- 8B.** An Ordinance amending Title 13 (Streets, Sidewalks and Public Places) Chapter 13.08 (Excavations), Section 13.08.090 (Specifications) of the El Paso City Code to amend the patching requirements for excavation across city right-of-way. The penalty being as provided in section 13.08.140 of the El Paso City Code.
(All Districts) [Representative Eddie Holguin, Jr., (915) 541-4178]

PUBLIC HEARING WILL BE HELD ON AUGUST 28, 2012, FOR ITEMS 8A – 8B

Public Hearings will be held as part of the regular City Council meeting that begins at approximately 8:30 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Thursday, 7:00 a.m. to 6:00 p.m.

REGULAR AGENDA – PUBLIC HEARINGS

9. CITY DEVELOPMENT:

- 9A.** An Ordinance changing the zoning of Tract 8C, Boothville Subdivision, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to C-1 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property Owner: Investment Builders, Inc. Subject Property: 8628 North Loop Drive. PZRZ12-00011 **(District 7)** [City Development, Andrew Salloum, (915) 541-4238]
- 9B.** An Ordinance releasing all conditions placed on property by Ordinance No. 016861 which changed the zoning of Lot 1A, Block 1, Montecillo Unit 1 Replat A; and Lot 1, Block 2, Montecillo Unit Two, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: Mesa Street at Montecillo Boulevard. Property Owner: EPT Mesa Development, L.P. PZCR12-00003. **(District 8)**
 [City Development, Esther Guerrero, (915) 541-4720]
- 9C.** An Ordinance amending conditions placed by Ordinance No. 06245 on Lots 11 and 12, Block 2, Sahara Subdivision, City of El Paso, El Paso County, Texas and amending conditions imposed by Ordinance No. 06245 and releasing conditions imposed by Ordinance No. 17313 on Lots 13 and 14, Block 2, Sahara Subdivision, City of El Paso, El Paso County, Texas. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property Owner; Juan Gandara and Laura Mendoza; Subject Property: 9950 Dyer Street. PZCR12-00002 **(District 4)** [City Development, Arturo Rubio, (915-541-4633]
 POSTPONED FROM 07-31-12
- 9D.** An Ordinance amending the Final Project Plan and Final Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone Number Five, City of El Paso, Texas; adopting said amendments as required by section 311.011(E) Texas Tax Code; also providing a severability clause. **(District 8)**
 [City Development, Mathew McElroy, (915) 541-4193]
- 9E.** An Ordinance amending Title 20 (Zoning), Chapter 20.02 (General Provisions and Definitions) and Chapter 20.18 (Sign Regulations), Section 20.18.020 (Applicability) and Section 20.18.050 (Definitions) of the El Paso City Code, to add a definition for wayfinding sign and to exclude wayfinding signs from the

provisions of Chapter 20.18. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. **(All Districts)** [City Development, Linda Castle, (915) 541-4029]

9F. An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), of the El Paso City Code to add a City wayfinding program. The penalty is as provided in Section 15.08.125 of the El Paso City Code

(All Districts) [City Development, Mathew S. McElroy, (915) 541-4056]

9G. An Ordinance changing the zoning of a portion of Lot 1, Block 23, Vista Granada Unit 3, City of El Paso, El Paso County, Texas from C-1 (Commercial) to C-3 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Property Owner: Textape, Inc. & George Gonzalez. Subject Property: 1380 George Dieter. PZRZ12-00012 **(District 6)**

[City Development, Michael McElroy, (915) 541-4238]

10. EL PASO WATER UTILITIES:

An Ordinance authorizing the City Manager to sign a Special Warranty Deed to convey a small tract of land consisting of 0.0482 acre of city land under the jurisdiction of the El Paso Water Utilities Public Service Board, to the adjacent homeowner, Ruben Luera, Jr., and spouse Matilde Luera, located adjacent to Marvin Drive and Buntline Road in Far Eastern El Paso County, Texas, authorizing the City Manager to sign any and all necessary documentation to complete the conveyance. **(El Paso County)**

[El Paso Water Utilities, Marcela Navarrete (915) 594-5614]

11. PARKS AND RECREATION:

An Ordinance authorizing the City Manager to sign a lease with the Transmountain Optimist Club for the lease of 4.69 acres of a portion of Blocks 78, 79, and 80 and the closed adjacent streets and alleys in Tobin Memorial Park, an addition to the City of El Paso, El Paso, Texas according to the map on file in Book 15, Page 17, Plat records of El Paso County, Texas and a portion of Tract 9B, Section 10, Block 81, Township 2, Texas & Pacific Railroad Company surveys municipally known as 8801 Railroad Drive, El Paso, Texas in the amount of \$10.00 per annum. **(District 4)**

[Parks and Recreation, Liza Ramirez-Tobias, (915) 541-4599]

REGULAR AGENDA – OTHER BUSINESS/PUBLIC HEARING

12. CITY DEVELOPMENT:

Discussion and action on a request from the Open Space Advisory Board to engage the Texas Department of Transportation regarding the Loop 375 Border Highway West project as it relates to Cement Lake, and the impact of the widening of Interstate 10 on Keystone Heritage Park. **(District 1)** [City Development, David Coronado, (915) 541-4632]

13. DISCRETIONARY FUNDS:

Discussion and action that the City Council declares that the expenditure of District 4 discretionary funds in the amount of \$1,000 and the expenditure of discretionary funds from any other City Representative to be used to offset city fees charged to children and other persons with intellectual disabilities and closely related developmental disabilities and those who actively assist them for participation in organized aquatics-related events and event preparation serves the important municipal purpose of providing assistance to intellectually disabled persons who participate in and benefit from such organized activities, and is authorized, and that the City Manager establish an appropriate process to ensure that the municipal purpose is carried out by the expenditures. **(District 4)**

[Representative Carl L. Robinson, (915) 541-4400]

14. CITY ATTORNEY'S OFFICE:

Discussion and action on a resolution to create the City Council financial and Audit oversight Committee. **(All Districts)** [City Attorney's Office, Sylvia B. Firth, (915) 541-4550]

[City Internal Auditor, Edmundo Calderon, (915) 541-4402]

15. MAYOR AND COUNCIL:

Discussion and action on directing the City Manager to direct staff to amend the definition in Title 20 for boarding home facility. [Mayor John F. Cook, (915) 541-4145]

16. FIRE:

An Ordinance amending Title 9 (Health and Safety) Chapter 9.52 (Fire Prevention Code), Section 9.52.120 (Chapter 27, Hazardous Materials-General Provisions, Amended) to recover all labor charges necessary to mitigate HazMat Incidents. The penalty as provided in Section 9.52.030 of the El Paso City Code.

(All Districts) [Fire, Otto Drozd, (915) 485-5605]

17. AIRPORT:

Discussion and action on a Resolution that the El Paso City Council approves the list of projects totaling approximately \$163,491,594, referenced as the "El Paso International Airport Proposed Five Year Capital Improvement Plan", as the established list of Airport Capital Improvement Program projects for FY 2013 through FY 2017 and the El Paso City Council approves utilizing Revenue Bonds and other funding mechanisms pursuant to the City Debt Management Policy for the BTIP Pavement Rehab/Landscaping Project; and that the City Manager be authorized to establish the funding sources for the projects enumerated in the "El Paso International Airport Proposed Five Year Capital Improvement Plan" and make all necessary budget transfers at the appropriate times for execution of the projects. **(All Districts)**

[Airport, Monica Lombrana, (915) 780-4724]

TO BE HEARD AT 10:30 A.M. OR LATER

**PUBLIC HEARING AND OTHER BUSINESS RELATED TO FY2013
BUDGET AND THE FY2013 TAX LEVY**

18. OFFICE OF MANAGEMENT AND BUDGET:

18A. Public Hearing and discussion and action on a Resolution that the Proposed Budget, as amended, for the City of El Paso, filed by the City Manager with the City Clerk on June 27, 2012, is hereby approved and adopted by the City Council as the Annual Budget for Fiscal Year 2013 for the City of El Paso, Texas.

(All Districts) [Office of Management and Budget, Lynly Leeper, (915) 541-4777]

18B. Discussion and action to Ratify the Property Tax Increase reflected in the Annual Budget for Fiscal Year 2013 for the City of El Paso, Texas. **(All Districts)**

[Office of Management and Budget, Lynly Leeper, (915) 541-4777]

18C. Discussion and action on an Ordinance levying FY 2013 taxes **(All Districts)**

[Office of Management and Budget, Lynly Leeper, (915) 541-4777]

EL PASO COUNTY 911 DISTRICT FY2013 BUDGET

19. OFFICE OF MANAGEMENT AND BUDGET:

Discussion and action to approve the El Paso County 911 District FY 2013 Budget to be presented by Mary Kozak, Director. **(All Districts)**

[Office of Management and Budget, Lynly Leeper, (915) 541-4777]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

EX1. PUC Control No. 40641-Petition of El Paso Electric Company for Approval of Rate Schedule 25A-Large Power Service-Experimental Off-Peak Rate. (551.071)

[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

EX2. Clear Channel Outdoor, Inc., vs. The City of El Paso; Cause No. 2009-3939 (551.071)

[City Attorney's Office, Kenneth Krohn (915) 541-4550]

EX3. Clear Channel Outdoor, Inc., vs. The City of El Paso, et. al.; Cause No. 3:12-CV-00301 (551.071) [City Attorney's Office, Kenneth Krohn (915) 541-4550]

EX4. PUC Docket No. 40622, SOAH Docket 473-12-7641, Application of El Paso Electric Company to Implement an Interim Fuel Refund. (551.071)
[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

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<http://www.elpasotexas.gov/>

**ADDITION TO THE AGENDA FOR
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS, CITY HALL
TUESDAY, AUGUST 21, 2012
8:30 A.M.**

The following is added to the City Council Agenda of Tuesday, August 21, 2012, at 8:30 a.m.:

EXECUTIVE SESSION

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Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

EX1. 400 E. Main, El Paso, Texas (551.071 and 551.072)
[City Attorney, Sylvia Borunda Firth, (915) 541-4550]

EX2. 401 Mills, El Paso, Texas, (551.071 and 551.072)
[City Attorney, Sylvia Borunda Firth, (915) 541-4550]

EX3. 300 N. Campbell, El Paso, Texas (551.071 and 551.072)

[City Attorney, Sylvia Borunda Firth, (915) 541-4550]

EX4. 801/811 Texas, El Paso, Texas (551.071 and 551.072)

[City Attorney, Sylvia Borunda Firth, (915) 541-4550]

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Richarda Duffy Momsen, City Clerk